

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**1:09cv205**

**[consolidating 1:09cv205 and 2:09cv33]**

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

**Plaintiff,**

**Vs.**

**ANDY P. JORDAN; DEBORAH DUPUIS;  
WNC STORES, LLC; and WNC SOLO, INC.,**

**Defendants.**

**1:09cv205**

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**WNC STORES, LLC; WNC SOLO,  
INC., formerly known as Market  
Center, Inc.; and WHITE’S SOLO,  
LLC,**

**Plaintiffs,**

**Vs.**

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

**Defendant.**

**2:09cv33**

**THIS MATTER** is before the court on its own inquiry as to stay pending appeal and to consolidate these actions. Review of the pleadings reveals that these

actions have been appealed to the Court of Appeals for the Fourth Circuit, which has consolidated such appeals. For purposes of effective pretrial management, the court will now consolidate these actions.

While under the Rule of Appellate Procedure such an interlocutory appeal does not automatically stay proceedings in this action, this court questions whether this action should proceed. To that end, the undersigned will require counsel for the respective parties to discuss the issue and file an appropriate motion with the court within 14 days.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the above captioned actions are **CONSOLIDATED**, and the parties shall file appropriate motions within 14 days either seeking a stay or entry of a Pretrial Order in this matter.

Signed: October 1, 2009

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Dennis L. Howell  
United States Magistrate Judge

